(a) whether the Law Commission has recommended drastic changes in the archaic Court Fee Act and Indian Stamp Act to check the loss of Government's revenue by using alternative modes of payments like demand draft, pay order, banker's cheque, postal order, challan for court fee and stamp duty etc.;

(b) if so, the details thereof;

(c) whether Government has accepted these recommendations of the Law Commission to save Government's huge cost of printing judicial and non-judicial stamps and commission of stamp vendors etc.; and

(d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (d) The information is being collected and will be laid on the Table of the House.

Appointment of Judges in Supreme Court

1911. SHRI AMAR SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that names of some High Court Judges have been cleared by the Supreme Court collegium early in September, 2009 for appointment as a Supreme Court Judge;

(b) if so, the details thereof;

(c) whether Government has received complaints from eminent jurists and Lawyers' Association in Chennai levelling serious charges of corruption and disproportionate assets against a particular Chief Justice; and

(d) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) and (b) Yes, Sir. The Chief Justice of India had recommended names of five Chief Justices of the High Courts for appointment as Judges of the Supreme Court.

(c) and (d) Yes, Sir. A view on the allegations made against one of the Chief Justices is to be taken by the Chief Justice of India as per the existing procedure.

Vacant posts of Judges

1912. SHRI M.P. ACHUTHAN:
SHRI D. RAJA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the delay in filling up the vacancies of Judges in subordinate judiciary, High Courts and Supreme Court is the main reason for the accumulation of pending cases in the various court, in the country;

(b) if so, the details of the vacant posts of Judges in subordinate courts, High Courts and Supreme Court, at present; and

(c) the steps being taken to fill up these vacancies within a time-frame?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) It is a fact that delay in filling up the vacancies of Judges is one of the main reasons for accumulation of pending cases in courts.

(b) and (c) A statement showing the number of vacant posts of Judges in the Supreme Court and High Courts as on 1.12.2009 enclosed (*See* below).

Under Article 235 of the Constitution of India, the administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court and the State Government. Filling up of the vacant posts of Judges/Magistrates in Subordinate Courts is the concern of the respective High Courts and the State Governments.

Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of the Supreme Court lies with the Chief Justice of India and for the appointment of a Judge of a High Court with the Chief Justice of the concerned High Court. The Government is periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling up the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

Statement

Vacancies of Judges

Sl. No.	Name of the Court	Vacancies of Judges as on 01.12.2009
1	2	3
A.	**Supreme Court of India**	5
B.	**High Court**	
1.	Allahabad	79
2.	Andhra Pradesh	18
3.	Bombay	12
4.	Calcutta*	19
5.	Chhattisgarh	9
6.	Delhi	5
7.	Guwahati	3
8.	Gujarat*	16
9.	Himachal Pradesh*	2
10.	Jammu and Kashmir	4
11.	Jharkhand	6
12.	Karnataka	13
13.	Kerala	6

1	2	3
14.	Madhya Pradesh*	8
15.	Madras	6
16.	Orissa*	5
17.	Patna*	21
18.	Punjab and Haryana*	22
19.	Rajasthan	10
20.	Sikkim	—
21.	Uttarakhand	—
	TOTAL	264

Appointment of Judges through competitive examination

1913. SHRI B.S. GNANADESIKAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there is a proposal for the introduction of a selection procedure on the lines of Indian Administrative Service (IAS) for appointment of Judges in High Courts and District Courts;

(b) whether the proposal was based on the recommendations of the Law Commission;

(c) if so, the details thereof;

(d) whether the majority of High Courts have strongly opposed the proposal and want the present selection procedure by a committee of senior most Judges to continue; and

(e) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (e) The various Law Commissions including the 1st, 8th and 11th Law Commissions had, *inter alia*, recommended the formation of All India Judicial Service. The 11th Law Commission in its 116th report felt that the formation of such a service, through competitive examination, would attract brilliant young men and women and thus the best talent all over the country would come to judiciary,, as in respect of All India Civil Services. Law Commission also suggested that the recruitment to All India Judicial Service could be done through a National Judicial Service Commission comprising of Judges, legal academicians and generalists.

As per the recommendations of the Law Commission of India, the directions of the Supreme Court of India in All India Judges Association case (Writ Petition No. 1022/89) and the guidelines recommended by the Fist National Judicial Pay Commission, the Union Government has taken